

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

CHEN et al.

Atty. Ref.: 2476-36; Confirmation No. 2845

Appl. No. 10/730,382

TC/A.U. 1795

Filed: 9 December 2003

Examiner: Angebrannt Martin J.

For: REVERSIBLE PHOTBLEACHABLE MATERIALS BASED ON NANO-SIZED
SEMICONDUCTOR PARTICLES AND THEIR OPTICAL APPLICATIONS

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September 16, 2008

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REMARKS/ARGUMENTS AFTER FINAL REJECTION

Applicant requests the USPTO to reconsider and allow this case in view of the following remarks.

The single outstanding issue is a provisional rejection of claims 2-17, 19-29 and 36-80 as being unpatentable under nonstatutory obviousness type double-patenting over assignee's co-pending Application No. 10/792,377.

Applicant has recently amended the claims of copending patent application 10/792,377 to more particularly point out the claimed invention in that case. The claims as amended are attached for the Examiner's reference. Such amendments also have the effect of maintaining a clear line of demarcation between the claims of that case and the claims of this one. See e.g. *In re Berg*, 140 F.3d 1428, 1432 (Fed. Cir. 1998) ('the examiner asks whether the application *claims* are obvious over the patent *claims*'; "if